REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested. Claims 12 and 24 are amended, and claims 1-40 are pending in the application.

The indication of informalities in claim 24 is acknowledged with appreciation. It is believed claim 24 as amended is in proper form.

Claims 1, 11, 12, 18, 19, 29, 30, and 40 stand rejected under 35 USC §103 in view of US Patent No. 6,631,181 to Bates et al. and US Patent No. 6,545, 589 to Fuller. This rejection is respectfully traversed.

Each of the independent claims 1, 12, 19 and 30 specify a server initiating a messaging session for an incoming call by playing an alternate subscriber announcement that includes an audible subscriber identifier, *having been retrieved from a directory server*, based on a determined unavailability of a subscriber announcement *having been stored in a messaging server as a first data file*.

Hence, a server can provide fault-tolerant messaging services for an incoming caller that is attempting to reach a messaging subscriber, even if the messaging server that *stores the subscriber announcement* for the messaging session of the incoming caller is unavailable. As described in a specification (e.g., page 4, lines 9-15; page 5, lines 13-15), the use of an alternate subscriber announcement enables the application server to initiate a messaging session that provides positive identification of the subscriber, even when the messaging server that stores the prescribed subscriber announcements is unavailable.

Consequently, each of the independent claims specify: (1) a <u>messaging server</u> that *stores a subscriber announcement* for a messaging session; (2) <u>a directory server</u> configured for storing subscriber profile information that includes a stored audible subscriber identifier (as a data file having a second size substantially smaller than the first size); and (3) the claimed server that initiates a messaging session for an incoming call based on retrieving the audible subscriber identifier <u>from the directory server</u> based on a determined unavailability of the subscriber announcement *stored in the messaging server*.

These and other features are neither disclosed or suggested in the applied prior art.

Bates et al. provides no disclosure or suggestion whatsoever of retrieving an alternate announcement from *an alternate source* (e.g., the directory server) based on the determined unavailability of a stored subscriber announcement from *a first source* (e.g., the messaging server), as claimed. Rather, Bates et al. simply provides a list of greeting announcements (see, e.g., Table 1) that can be used based on an association between caller ID data of an incoming call with one of the greeting announcements: a default greeting (Announcement number "5") is used for any instance where <u>a positive association to one of the context-specific greetings</u> *has not been established* (see, e.g., column 4, lines 53-55: "Announcement number "5" refers to a standard greeting announcement that is a default for unknown caller IDs.").

Figure 2 of Bates et al. also teaches away from the claims by selecting the default greeting *not* based on unavailability of a *stored* greeting, but rather based on whether one of the existing pre-recorded readings is <u>designated for the incoming call</u> based on the caller ID:

Block 66 depicts capturing caller ID data for the incoming call transmission. Next, block 68 illustrates *comparing the captured caller ID with the caller ID pre-recorded greeting designations for the subscriber*; and the process passes to block 70.

Block 70 depicts a determination as to *whether or not a pre-recorded greeting is designated for the caller ID by the subscriber. If a pre-recorded greeting is not designated for the caller ID* or a portion thereof, then the process passes to block 72. Block 72 illustrates playing a default greeting message according to the subscriber profile; and the process passes to block 76. *If a pre-recorded greeting is designated for the caller ID, then the process passes to block 74. Block 74 depicts playing the designated greeting according to the caller ID*; and the process passes to block 76.

(Column 7, lines 8-22).

Hence, Bates et al. simply teaches use of a default greeting based on an absence of an association between a specific personalized message and the caller ID for a calling party. In other words, Bates et al. assumes that all stored announcements are <u>always available within a disk memory 30</u>, and that the determined lack of an association between a received caller ID and one of the personalized greetings results in the playing of the default greeting stored at the same location 30.

In particular, Bates et al. teaches that <u>all</u> of the greetings (including the default greeting) utilized by a subscriber are stored in the <u>same disk memory 30</u> of Figure 1 (column 4, lines 21-30). Consequently, if for some reason (e.g., a failure of the disk memory 30) the disk memory 30 was no longer available, than the system of the primary reference with *no longer be able to present any greeting to for an incoming call*. This potential problem is *precisely* the problem that is addressed by the inventors, namely that a messaging server that is rendered inoperable (see page 4, lines 2-15 of the specification).

Each of the independent claims, however, specify retrieving the audible subscriber identifier from an *alternate location*, namely the directory server, based on the determined unavailability of the *stored subscriber announcement* from the messaging server. Bates et al. does not even contemplate the possibility of fault tolerance, and provides no reference whatsoever to any unavailability of a stored subscriber announcement from the messaging server, as claimed.

Fuller et al. provides no additional teaching related to the claimed retrieval of the audible subscriber identifier from the *alternate location*, namely the directory server, based on the determined unavailability of the stored subscriber announcement from the messaging server. In fact, Fuller et al. provides no reference whatsoever to unavailability of a stored message, as claimed. Rather, Bates et al. simply describes that a standard greeting type 704 is retrieved from a subscriber master record 700 stored in the disk 505 of Figure 5: if the standard greeting type is "stock", a stock generic reading is played to the caller; if the standard greeting type is "drop-in", then the subscriber's prerecorded drop-in name is retrieved from the disk 505 (column 25, lines 52-65).

In both cases, however, Fuller et al. teaches away from the claims by storing all subscriber records on the same disk of 505 of Figure 5, including the courtesy greeting announcement 704 selected by the subscriber and stored in the subscriber master record 700 on the disk 505 (see col. 19, lines 62-65, col. 20, lines 1-2 and 19-23). Hence, a disk failure of the disk 505 would result in the loss of all greetings.

Consequently, the hypothetical combination of Bates et al. and Fuller et al. would disclose or suggest no more than storage of all subscriber announcements *at a single location*, where one of the subscriber announcements may consist of the subscriber's pre-recorded drop-in name.

Each of the independent claims, however, specify retrieving the audible subscriber identifier from an *alternate location*, namely the directory server, based on the determined unavailability of the stored subscriber announcement from the messaging server.

An evaluation of obviousness must be undertaken from the perspective of one of ordinary skill in the art addressing the same problems addressed by the applicant in arriving at the claimed invention. Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve, 23 USPQ 416, 420 (Fed. Cir. 1986), cert. denied, 484 US 823 (1987). Thus, the claimed structures and methods cannot be divorced from the problems addressed by the inventor and the benefits resulting from the claimed invention. In re Newell, 13 USPQ2d 1248, 1250 (Fed. Cir. 1989).

None of the applied references, singly or in combination, even begin to address the problems addressed by the inventors, namely providing a fault-tolerant messaging system that enables initiation of a messaging session for an incoming call, even if the messaging server that stores the prescribed audible greeting for the incoming caller is unavailable (see, e.g., page 4, lines 9-15).

For these and other reasons, this §103 rejection should be withdrawn.

It is believed claims 2-11, 13-18, 20-29, and 31-40 are allowable in view of their respective dependencies from independent claims 1, 12, 19, and 30, described above.

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In view of the above, it is believed this application is in condition for allowance, and such a Notice is respectfully solicited.

To the extent necessary, Applicant petitions for an extension of time under 37 C.F.R. 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including any missing or insufficient fees under 37 C.F.R. 1.17(a), to Deposit Account No. 50-1130, under Order No. 95-461, and please credit any excess fees to such deposit account.

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